United Nations A/62/7/Add.38

General Assembly

Distr.: General
24 June 2008

Original: English

Sixty-second session
Agenda items 128 and 139

Programme budget for the biennium 2008-2009

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Revised estimates arising in respect of Security Council resolution 1800 (2008) on the appointment of additional ad litem judges at the International Tribunal for the Former Yugoslavia

Thirty-ninth report of the Advisory Committee on Administrative and Budgetary Questions on the programme budget for the biennium 2008-2009

1. The Advisory Committee on Administrative and Budgetary Questions considered an advance copy of the report of the Secretary-General on revised estimates arising in respect of Security Council resolution 1800 (2008) on the appointment of additional ad litem judges at the International Tribunal for the Former Yugoslavia (A/62/809). During its consideration of the report, the Committee met with the Registrar and other officials of the International Tribunal for the Former Yugoslavia, as well as with representatives of the Secretary-General, who provided additional information and clarification.

2. In its resolution 1800 (2008), the Security Council decided that the Secretary-General might appoint, from within existing resources, additional ad litem judges upon request of the President of the International Tribunal in order to conduct additional trials, notwithstanding the fact that the total number of ad litem judges appointed to the Chambers would from time to time temporarily exceed the maximum of 12 provided for in article 12 (1) of the Statute of the International Tribunal, to a maximum of 16 at any one time, returning to a maximum of 12 by 31 December 2008. The Secretary-General states that, in October 2008, the number of ad litem judges is expected to revert to the statutory maximum of 12 judges. In connection with the appointment of four additional ad litem judges, the Secretary-

08-39759 (E) 020708

General is requesting additional resources in the amount of $374,500, to be met from within the current appropriation for the biennium 2008-2009.

3. The Advisory Committee notes that the appointment of additional ad litem judges is intended to accelerate the Court's trial schedule. The Committee recalls the recent report of the President of the Tribunal to the Security Council (S/2008/326, annex I) in which he indicated that between 15 November 2007 and 15 May 2008, eight trials were in progress and five cases (six accused persons) were awaiting trial. The Advisory Committee was informed that, with the appointment of additional ad litem judges, the cases which are now in their pre-trial phases would be expected to be in trial by the end of the year. The Committee notes from the report of the Secretary-General that the early completion of first instance trial activity will allow the start of appeals proceedings earlier than anticipated and that the Secretary-General expects that all appeals for existing cases will be completed by the end of 2011.

4. The Committee notes that in paragraph 12 of his report, the Secretary-General indicates that shorter Tribunal operations would result in savings in the current cost of the Tribunal, which is approximately $12 million per month. **The Advisory Committee notes that the appointment of additional ad litem judges is a way to reduce the projected time frame for completion of the work of the Tribunal.**

5. In paragraph 15 (b) of his report, the Secretary-General indicates that the General Assembly may wish to request him to report on the implementation of Security Council resolution 1800 (2008) on the appointment of additional ad litem judges at the Tribunal in the context of the second performance report for the biennium 2008-2009. **In order to assess progress made, the Advisory Committee requests that information concerning the appointment of additional ad litem judges be submitted in the first performance report for the biennium 2008-2009.**

6. In its resolution 1800 (2008), the Security Council decided that the Secretary-General might appoint ad litem judges from within existing resources. The Advisory Committee notes from paragraph 11 of the report of the Secretary-General that while the Tribunal is not in a position to determine whether additional costs can be met from within the approved appropriation, every effort will be made to absorb the additional requirements within the current appropriation for the biennium 2008-2009. **The Advisory Committee expects that the appointment of additional ad litem judges will indeed be implemented from within existing resources, in accordance with Security Council resolution 1800 (2008). On that basis, the Committee recommends that the General Assembly take note of the report of the Secretary-General.**